

ASSAULT AMENDMENTS

2013 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Aaron Osmond

House Sponsor: _____

LONG TITLE

General Description:

This bill modifies the Criminal Code regarding the offense of assault against a peace officer or military servicemember.

Highlighted Provisions:

This bill:

▶ creates the third degree offense of assaulting a peace officer or military servicemember in uniform if the offender **Ⓢ→ is a repeat offender or ←Ⓢ** causes substantial bodily injury; and

▶ creates the second degree offense of assaulting a peace officer or a military servicemember in uniform while the offender is using a dangerous weapon or force likely to cause serious injury or death.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

76-5-102.4, as last amended by Laws of Utah 2009, Chapter 125

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **76-5-102.4** is amended to read:



28 **76-5-102.4. Assault against peace officer or a military service member in uniform**29 **-- Penalties.**

30 (1) As used in this section:

31 (a) "Military [~~service member~~] servicemember in uniform" means:32 (i) a member of any branch of the United States military who is wearing a uniform as
33 authorized by the member's branch of service; or

34 (ii) a member of the National Guard serving as provided in Section 39-1-5 or 39-1-9.

35 (b) "Peace officer" means a law enforcement officer certified under Section 53-13-103.

36 (2) [~~(a)~~] A person is guilty of a class A misdemeanor, except as provided in37 [~~Subsection (2)(b)~~] Subsections (3) and (4), who:38 [(i)] (a) assaults a peace officer, with knowledge that [~~he~~] the person is a peace officer,
39 and when the peace officer is acting within the scope of [~~his~~] authority as a peace officer; or40 [(ii)] (b) assaults a military [~~service member~~] servicemember in uniform when that
41 service member is on orders and acting within the scope of authority granted to the military
42 [~~service member~~] servicemember in uniform.43 [(b)] (3) A person who violates [~~this section and~~] Subsection (2) is guilty of a third
44 degree felony if the person:45 (a) has been previously convicted of a violation of [~~this section is guilty of a third~~
46 degree felony.]; **§→ [Subsection (2)] a class A or a felony violation of this section ←§** ; or47 (b) the person causes substantial bodily injury.48 (4) A person who violates Subsection (2) is guilty of a second degree felony if the
49 person uses:50 (a) a dangerous weapon as defined in Section 76-1-601; or51 (b) other means or force likely to produce death or serious bodily injury.52 [(3)] (5) A person who violates this section shall serve, in jail or another correctional
53 facility, a minimum of:54 (a) 90 consecutive days for a second offense; and55 (b) 180 consecutive days for each subsequent offense.56 [(4)] (6) The court may suspend the imposition or execution of the sentence required
57 under Subsection [(3)] (5) if the court finds that the interests of justice would be best served by
58 the suspension and the court makes specific findings concerning the disposition [~~in writing or~~